

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

BERTHA L. BOOKER, )  
                        )  
                        Plaintiff )  
                        )  
                        vs.         )                              No. CIV-04-1741-C  
                        )  
JO ANNE B. BARNHART, )  
Commissioner of Social Security )  
Administration,             )  
                        )  
                        Defendant )

ORDER ADOPTING REPORT AND RECOMMENDATION

This action for final review of the Commissioner's denial of her application for supplemental security income benefits was referred for initial proceedings to United States Magistrate Judge Doyle W. Argo consistent with 28 U.S.C. § 636(b)(1)(B). Judge Argo entered his Report and Recommendation on November 3, 2005, recommending that the decision of the Commissioner be affirmed. Plaintiff has timely filed an objection, and the Court therefore considers the matter de novo.

The only objection raised to the Report and Recommendation of the Magistrate Judge is that the ALJ failed to develop the record. In this regard, Judge Argo correctly notes that Plaintiff fails to cite to any part of the current medical record showing that she has sought treatment for or registered any complaints regarding her arm, which was apparently injured when she was five years old. The Court agrees that there is no error, under the

circumstances, in the ALJ's failing to find and supplement the record with these 30-year-old medical documents.

Plaintiff has raised no other objections sufficient to preserve them, and the Court therefore adopts, in its entirety, the Report and Recommendation of the Magistrate Judge, and for the reasons stated therein, the decision of the Commissioner is affirmed.

IT IS SO ORDERED this 19th day of December, 2005.



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ROBIN J. CAUTHRON  
United States District Judge